



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1998

Mr. William B. Wright, Jr.
Attorney at Law
514 Conrad Hilton Avenue
Cisco, Texas 76437

OR98-1220

Dear Mr. Wright:

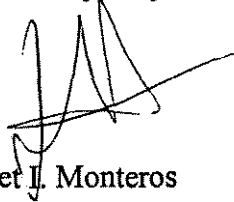
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114816.

The City of Clyde (the "city") received a request for various documents pertaining to radar units employed. You ask "pursuant to section 552.301 of the Open Government Codes" whether the requested information is excepted from disclosure under the Open Records Act of the Government Code. We have considered the exception you claim and reviewed the submitted information.

First, we observe that if a governmental body does not establish how and why an exception applies to requested information, there is no basis on which to pronounce it protected. Open Records Decision No. 363 (1983). Next, we note that you did not furnish the responsive information to this office for review so that there is a presumption that the information is public. Open Records Decision 197 (1978), 195 (1978), 150 (1977). We caution, however, that section 552.353 of the Open Records Act imposes criminal penalties for the release of confidential information. Prior to releasing any social security number information, you should ensure that no such information was obtained or is maintained pursuant to any provision of law, enacted on or after October 1, 1990. In conclusion, in the absence of a demonstration that the remaining requested information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to be 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 114816

cc: Mr. J. D. Davis
American Drivers Association
200 Gate Way Center, Suite 326
Liberty City, Texas 75662
(w/o enclosures)